

UNITED STATES DISTRICT COURT

for the

Northern District of California

E-File

CAPITAL ONE BANK (USA), N.A.

Plaintiff

v.

EDMUND G. BROWN, JR., in his capacity as
California Attorney General

Defendant

Civil Action No.

CV 08

2289

Summons in a Civil Action

To: (Defendant's name and address)

EDMUND G. BROWN, JR., in his capacity as Attorney General of the State of California
California Department of Justice
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004

BZ

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

James F. McCabe
James R. McGuire
Rita F. Lin
Sarah E. Griswold
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, CA 94105-2482

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Richard W. Wieking

Name of clerk of court



Deputy clerk's signature

Date:

MAY 2 2008

MARY ANN BUCKLE

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

JAMES F. MCCABE (SBN 104686)
 MORRISON & FOERSTER LLP
 425 Market Street
 San Francisco, CA 94105
 Telephone: (415) 268-7000
 Attorney for: Plaintiff

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

Plaintiff: CAPITAL ONE BANK (USA), N.A.
 Defendant: EDMUND G. BROWN, JR.

Ref#: 242867 * **PROOF OF SERVICE** * Case No.: CV 08-02289 BZ

At the time of service I was at least eighteen years of age and not a party to this action and I served copies of the:

SUMMONS IN A CIVIL ACTION; COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF (12 U.S.C. § 484; 42 U.S.C. § 1983); CIVIL CASE COVER SHEET; CAPITAL ONE BANK (USA), N.A.'S CORPORATE DISCLOSURE STATEMENT; ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES; ECF REGISTRATION INFORMATION HANDOUT; NOTICE OF ASSIGNMENT OF CASE TO A UNITED STATES MAGISTRATE JUDGE FOR TRIAL; DROP BOX FILING PROCEDURES; DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND REQUEST FOR REASSIGNMENT TO DISTRICT JUDGE; NOTICE OF IMPENDING REASSIGNMENT TO A UNITED STATES DISTRICT COURT JUDGE; REASSIGNMENT ORDER; CLERK'S NOTICE; PLAINTIFF'S CASE MANAGEMENT CONFERENCE STATEMENT; (PROPOSED) ORDER; CIVIL MINUTES FROM AUGUST 15, 2008

in the within action by personally delivering true copies thereof to the person named below, as follows:

Party served : EDMUND G. BROWN, JR., in his capacity as California Attorney General

By serving : Lydia Zane, Authorized Agent

Address : California Department of Justice
 455 Golden Gate Avenue, Suite 11000
 San Francisco, CA 94102

Date of Service: August 29, 2008

Time of Service: 4:04 PM

Person who served papers:

GEORGE HARPER
 SPECIALIZED LEGAL SERVICES, INC.
 1112 Bryant Street, Suite 200
 San Francisco, CA 94103
 Telephone: (415) 357-0500

Fee for service: \$60.00
 Registered California process server.
 (i) Employee or Independent Contractor
 (ii) Registration no.: 610
 (iii) County: San Francisco

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: September 2, 2008

Signature 